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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/19/2024

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April 18, 2024

By ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

Re: *Greater Chautauqua Fed. Credit Union v. Quattrone*, No. 22 Civ. 2753 (MKV) (BCM)

Dear Judge Vyskocil:

This Office represents New York Attorney General Letitia James, a defendant in her official capacity in the above-referenced action. We respectfully submit this unopposed letter-motion to modify the briefing schedule for Plaintiffs' class certification motion and all parties' summary judgment motions. There has been no prior request to extend the briefing schedule for these motions, and no other dates or deadlines would be affected.

Plaintiffs assert an as-applied regulatory takings challenge to the retroactive application of a New York statute, L. 2021, ch. 831, that reduced the post-judgment interest rate on certain consumer debts from 9% to 2%. *See* Am. Compl., Apr. 21, 2022 (ECF No. 47); Opinion and Order, Mar. 31, 2023 (ECF No. 102). Fact discovery closed on February 5, 2024, and expert discovery will conclude on May 14, 2024. *See* Order, Apr. 1, 2024 (ECF No. 160).

By separate scheduling orders issued on April 3 and April 11, 2024 (ECF Nos. 162, 165), the Court set briefing schedules for the parties' anticipated motions for summary judgment and Plaintiffs' anticipated motion for class certification. Under the current schedule, there is significant overlap between the time allotted to complete expert discovery and brief both motions. For example, AG James is required to respond to Plaintiffs' class certification motion by May 9, and to complete expert discovery, including the depositions of Plaintiffs' two putative expert witnesses, by May 14. Thereafter, the schedule affords AG James just ten days to move for summary judgment, by May 24. Further, the schedule provides the parties only fourteen days to oppose one another's summary judgment motions and seven days for reply submissions.

To afford AG James and all parties sufficient time to brief these motions, we respectfully request that the Court adopt the following schedule:

Plaintiffs' Motion for Class Certification

- April 25, 2024 – Plaintiffs' Motion (no change)
- May 17, 2024 – Defendants' Oppositions (extended from May 9)
- May 29, 2024 – Plaintiffs' Reply (extended from May 16)

Plaintiffs' and Defendants' Motions for Summary Judgment

- June 7, 2024 – All Parties' Motions (extended from May 24)
- July 12, 2024 – All Oppositions (extended from June 7)
- July 26, 2024 – All Replies (extended from June 14)

I have discussed this matter with counsel for Plaintiffs and the Sheriff Defendants, who stated that they do not oppose or object to the proposed schedule. We respectfully submit that these extensions of time are necessary to afford AG James a sufficient opportunity to complete expert discovery and brief the issues concerning both class certification and summary judgment.

We appreciate the Court's continued attention to this matter.

Respectfully,

Michael A. Berg

Michael A. Berg
Assistant Attorney General

cc: All Counsel

Granted. SO ORDERED.

Date: 4/19/2024
New York, New York

Mary Kay Vyskocil
Mary Kay Vyskocil
United States District Judge